

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENISE JOSHUA,

Plaintiff(s),

CASE NUMBER: 08-14012
HONORABLE VICTORIA A. ROBERTS

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

/

ORDER ADOPTING REPORT AND RECOMMENDATION

On April 2, 2009, Magistrate Judge Charles E. Binder submitted a Report and Recommendation (Doc. #11) recommending that the Court: (1) GRANT Plaintiff's Motion for Summary Judgment (Doc. #8); (2) DENY Defendant's Motion for Summary Judgment (Doc. #9); and (3) REMAND this case to the Commissioner for further proceedings.

Because the Court has not received objections from either party within the time frame provided for in 28 U.S.C. §636(b)(1) and E.D. Mich. LR 72.1(d)(3), the Court **ADOPTS** the Magistrate Judge's Report and Recommendation, **GRANTS** Plaintiff's Motion for Summary Judgment, **DENIES** Defendant's Motion for Summary Judgment, and **REMANDS** this matter to the Commissioner.

On remand, the Commissioner must evaluate Plaintiff's medical evidence, including her test results, to determine if her impairments meet or medically equal 3.02(A), 3.02(B), and 3.02(C)(1) of the Listing of Impairments. The ALJ must fully

explain the reasoning behind his conclusion, including why he accepts certain medical evidence and rejects other evidence.

IT IS ORDERED.

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: April 23, 2009

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on April 23, 2009.

s/Linda Vertriest

Deputy Clerk